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NCCJD  
Pathways to Justice  
January 29, 2015

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Today is January 29, 2015. This is wrapping up year 1 at 1:30 p.m. ET.

>> Hi everyone, and welcome to the ARC center on criminal justice disability Webinar. At the end of the session, there will be a time for questions. You can either post questions in the Q&A section or in the chatbox. If you tonight want to share press private and we'll keep that private. You can e-mail questions. If we don't get to your question during the presentation, we'll follow up with you afterwards. This Webinar is being recorded and will be posted on our website. We will send you an e-mail letting you know when it's available. We have one final request. You'll receive a session evaluation after this Webinar. Please take five minutes to complete and send it to us. This Webinar is funded by the United States Department of Justice, bureau justice assistance. Thank you for your participation. The Webinar today is a summary of NCCJD first year and I would like to welcome program manager Leigh Ann Davis.

>> All right, thank you. And thanks to everyone for being on the Webinar today. We are excited to provide you with an opportunity to let you know a little bit more in-depth what we've been doing since we initially started. Wow, it's been actually over a year. And we've been able to cover a lot of ground since this began, so we just want to give you this opportunity to learn more about what we've done and where we're headed for our title. And also, what we're hoping to do in the future as well. We're definitely focusing on getting more funding for the center and looking at ways to support this mission. And you'll see that mission now on your screen. What we're wanting to do is really build the capacity of the criminal justice system in response to gaps we remain and keep seeing in the system over and over. We've been seeing this in many different ways through our technical assistance requests, your I and Rs. We realize if we don't bring them together to proactively work on this, then we're missing a big piece of the puzzle and figuring out how to really adequately address these issues. So that is our mission as a center. And these are some of the goals that we are focused on that we've been working around. And starting with the website to INR, developing specific publications and then also training. So what I would like to do

is go over each one of these individually and just talk about some of the thing we've been able to accomplish through this. Our website I hope you've been able to see that and I hope you've been able to get some resources off of it as well. We created and launched our pathway to justice video which is about a four minute video using both case scenarios and the pathways to justice model to explain why it's so important to be educating police officers, attorneys, victim service providers about this issue. So we were able to launch that recently and put that on our home page. And if you wanted to go to the home page, you can see it there. We've had over 700 views so far and hoping to see that number increase as work gets out about this really good resource. It's not only for our chapters of the ARC, you can take it to police departments. But it's for anyone and we've even gotten responses from parents in cases involving adult children where they wanted to have a tool like this to take within their communities so they can use and it'sn't an effective to be as well. Another big part of our website is creating this state by state map. What's nice about the website is we're trying to provide a way you can get to resources, either by looking at which state you're in. If you're looking for a specific state. Or if you're a certain type of professional looking for resources. So you can get to that information in both of those ways through this website. And we've been providing blog posts. We've had our national advisory committee members provide different posts around victimization issues, death penalty issues. And we've had some chapters provide information as well. So we like to use that as a way to bring up those timely issues and show how NCCJD is addressing those. And we also have a Facebook and I hope you would go to that and make sure that you follow us and that way you can stay up to date on the most latest, the latest issues that are in the media. And the things that NCCJD is following as well. And what we're doing, because we're funded through BJA is providing I and R and technical assistance. Today we have served to date approximately to respondents who were needing assistance. According to BJA and how they measure this, their CA is whenever you're assisting the cases over 60 minutes, that's considered a TA request. We're finding as we have been providing more of this direct service for people that we are definitely getting more involved in the TA requests. They are more complex and

complicated and really require more specific attention to them and specific strategies around ways we can assist families or attorney or chapters that are needing help. So we are documenting each and every one of these and making sure that we provide this information to our funder who really has the power to continue funding centers like these and funding different kinds of initiatives that are really getting to the core person who is needing this kind of assistance. Some other examples where we've been providing assistance more within systems is the white house policy council. We've been asked to put input to the international association and we've been working with them and their model policy to help officers know how to interact and communicate with people with developmental disabilities. Here's a list of some others that have contacted us needing assistance, and what's exciting about this list is just to show the amount of interest that there is on this topic. The ARC has been working within the area of criminal justice for a number of years. And there has not always been this interest around disability issues as there is today. And so we're really, you know, jumping in with both feet and making sure that we are responding to these with every bit of information we have. And making sure that people that are needing information such as these individuals have the information they need to make good decisions when it comes to serving people with disabilities when they get involved in the criminal justice system. So we've also been working on death penalty cases quite a bit, providing letters to the governor regarding people who have been suspects of crime. And we also have helped in developing individualized justice plans. And that's something that Kathryn. She's been involved with high profile cases in Virginia and other places. Also, we have been working on our publications this is a big part of what we're doing but as a update we have updated our pathways to justice curriculum. We're focusing on three different targets. We have the tip sheets going along with that focused on our target audiences, different fact sheets are included. And the guide goes along with our video so that if someone was wanting to use the video within their community, say within the police department, they would have a guide to take along with them in order to make the process easy to start the conversation around people with disabilities within the criminal justice system. And then we've conducted focus groups

throughout this time as well to make sure we are getting quality information, timely information around these issues. So we've worked with local law enforcement, national law enforcement. We've worked with victim service providers as well. And attorneys. So we make sure we're getting all the information needed in order to create something that is practical for each of our target audiences. And we're really excited about using local case scenarios so when we go in to provide a training or when a disability response team would provide a training, they will use case scenarios that are local to their community so it makes it more likely that someone would be interested and engaged within the training itself. We've also had our national advisory committee review these materials, and as I mentioned before, we've been working with I ACP in revising their model policy. It's been a wonderful experience working with them because they have been able to incorporate the changes that we have suggested, and then we're able to use that model policy within the training that we are creating within the pathways to justice. And as you know, we have been conducting Webinars and those of you on the call today have been involved in these. So we have now made it to the 11 Webinar mark with over 1500 attendees. We have the archives available on our website and some of those have been very well received. Some of the topics are on issues that you might not find other places. So if you would want to take a look at those, there's some pretty interesting topics that are covered throughout this Webinar series. I listed some of these here to give you an idea of what we've been offering and if there's something here that interests you, I just encourage you to go back and take a look at those and watch those at your convenience. As I was mentioning before, I just wanted to give you a little overview of the pathways to justice training. This has been the meat of what we've been working here and trying to get ready for our piloting of this coming up in March. So this is an overview of all the different modules. And how we would start off with the training, which is basically a day-long training. Provide an overview of what the disability response team is and who they are. And what's critical to the way that we're structuring this training and what's really foundational to this is creating what's called a disability response team. And that is a collection of people in the community within criminal justice and disability to come together to

provide training for people other than their community. So when we're going in to do a training, we are asking our chapter of the ARC to invite a local law enforcement officer, an attorney, public defender, prosecutor and also victim service provider. So that they are in fact a part of the training when we go in and do the initial kick off training in their community. And that way we're creating buy-in at the get go. We know that many times if training is provided, it's usually people want it done by someone in their own profession. And we also know that including people with disabilities themselves is very key to our success with the program. So we are making sure that both, just everyone involved who we are training is at the front and providing this training as well. And so we're just excited to see how this is going to work in our first pilot in Maryland. And we'll just make sure that we give you updates as we go along and just the different findings that we see as we launch this program. Our next module is looking at disability basics. For the next three modules there for our target audiences, we'll actually break those up into separate sessions where we can work specifically with that target audience on issues that are specific to their profession. And then at the last, we'll come back and develop a pathways to justice plan. This can be done either at the individual level, because there's certain things that an officer for example could do to improve his ability to work with people with disabilities. Or it could be done on a systematic level so that the community itself is looking at ways to actually change systems so that they are able to better serve either suspect or offenders or victims with intellectual developmental disabilities. That's an overview of the training itself. And then just to give you a taste of some of handouts that are included in that, Kathryn is going to now show you the attorney tip sheet and explain how that will be used in the training.

>> All right. Hi everyone. Let's see if we can get the tip sheet up here. There we are. So this is one of the handouts that we will be using in the modules that Leigh Ann was just showing you that are profession-specific. And this specific handout will be to our attorney audience. The front page basically addresses five areas that if we only had a second with an attorney and just hand them one sheet of paper, these are five areas that we really want them to consider, particularly

regarding people with intellectual and developmental disabilities. And you can see here on the handout, number one, people with IDD are vulnerable at every stage in the criminal justice system. You can kind of take at our video we had and the model I'm going to show you guys upcoming slides and see what we mean when we're talking about cracks in the system. Number two is competency issues are even remotely possible, test. Often people with a lower IQ or with intellectual or sometimes developmental disabilities don't understand what's happening to them in the criminal justice system. We found incompetent to proceed. And it really changes the way criminal proceedings look for them. There are similar issues for witnesses. So if you've been the victim of a crime and you may not be competent to testify or, you know, defense attorney may be telling you you're not competent to testify but in fact you are. These are just some of the issues we want attorneys to be aware of. The ability of people would like you to effectively waive their Maranda, often they get waived without people understanding what they're doing. Confessions, on our website some of the work Bob perky had some confessions that led to executions. Those are the most serious but they're an issue across the spectrum. Finally sex offenses by a person with IDD are often not the result of sexual deviant. So a lot of times sex offenses for this population are not the kind that society is typically worried about and we want to make sure that attorneys are taking appropriate steps to make sure that effective treatment is done. Let's flip the page here over to the back. So what this is a summary of the three things that we're asking these professionals to do. Identify, communicate and accommodate. And this is all material that's found throughout our modules and is targeted, this particular one is targeted to attorneys. And it talks about just a real quick reference, checklist for them for identification, communication and accommodation for an individual with an intellectual or developmental disability. We head back over to the power point now. The next thing we're going to do, what you see on your screen now is the pathways to justice model. When I was talking earlier about the cracks in the system, this is our illustration of the criminal justice system that we're using to kind of help professionals talk about and think about where in the system someone with a disability really might be falling through the cracks. So this version you're looking at is called two-

tiered version. The middle line where it says community, first contact, investigation, that's our first tier. Then the flow chart lines are tier two. You can see a yellow triangle in the background indicating the number of people in the system. So triangle is colored heavier on the left side of the screen because more people interact with the criminal justice system at first contact and then it kind of filters out through investigation, jail, child plea agreement, transition and back into the community, that number gets lower and lower. The top of the pathway here is for suspects and offenders. And it talks about their journey through the system. Often with someone calling 911, and then law enforcement arrives and they're arrested. At the investigation stage they ends up with inattention and they make their first appearance in court. In jail there are issues around pretile detention and whether the person is safe in jail. And then bail and bond is often, it looks really different for somebody that only gets a Social Security check than it does with somebody with more resources. So effectively for a lot of people with disability, bail and bonds can then keep them in jail before they've even been to trial. The next is child and plea agreement. They have their issues in court with taking plea deals and then with diversion programs as well. And then finally in transition, jail, incarceration and prison, there are again a plethora of issues there. So basically this is just a very short outline for criminal justice professionals to start justing where a suspect or offender might have issues in all these various areas. And then on the bottom, you see our victim witness pathway. And again their first contact will be with 911 or they can make a complaint to their local law enforcement agency. And law enforcement gets involved. In the investigation stage there are issues with communication, with forensic interviewers, not necessarily understanding the needs of somebody with an intellectual or developmental disability. And then charges are either filed or not. That's another issue that we're seeing is sometimes if the case doesn't look that easy or that winnable, charges aren't filed. While the suspect offender is in jail the victim has to know to assert their rights and find out is that person out of jail and they have to help attorneys prepare for trial. During trial and plea agreement, witness and testimony, witnessing and testimony are two big issues because a lot of times people that don't communicate in what we

would consider a typical way are discounted or treated poorly as they testify in court. And then also they need to file in some places a crime victim notification request, which has the prosecutor kind of follow up with them as the case comes to a close and make sure they know what's going on in their own case. And then transition on the victim witness guide is all about coping and then prevention of future similar incidents because all too often we'll see somebody that was a victim of crime and then they're a victim of the same crime again later. So it's all about coming up with a good strategy there and making a prevention plan. So that's just a little outline of our pathways to justice model. We don't necessarily think this is a completely inclusive model. There are certainly things that we could add, things we could take away. But we see this really as a discussion starter. And there's a way to start talking about things in a structured way in your community. So what I'm going to do next is walk you through a case study. And this is one that we are both using in our training and also have a blog article following up on it, so that way if you're curious you can go read a little bit more about it. So what you can see on the bottom of the screen is the pathways to justice model that we were just looking at. And right now first contact is highlighted. So we're going to start with the facts leading up to arrest. Jack has recently moved to a new group home. He got into a verbal altercation with another resident and a third resident called 911. When police arrived, Jack was tempted to leave the situation and in the process, struck a police officer who grabbed him by the hoodie from behind. While Jack was on the ground with officers attempting to handcuff him one of the officers threatened to tase Jack if he did not cooperate. Jack is attempting to leave a situation which is probably a coping mechanism he's been taught to use when he feels overwhelmed and officers of course are not okay with this. So even just in this first brief interaction, there's several things in this first contact box that law enforcement officers will talk about. There we go. Now we're on to the investigation stage. Jack was read his Miranda rights without assistance and does not understand what he was agreeing to. His parents were never called during his time in jail or during the investigation. This is another instance with somebody with intellectual developmental disability wanting to cooperate and trying to work

with the arresting officers and not really understanding what was happening to him. Then we have the jail intercept and Jack spent 24 hours in jail without support or access to his medication. His parents called and spoke to the supervisor of the adult detention center to inform them of Jack's needs. And his parents were told he should have told the nurse himself about his needs and given the pharmacy information. You can see right here the standards of this adult detention center is holding Jack to is not necessarily something he can meet and as a result he spends 24 hours in a strange place with no medication without having seen his parents and all of this before essence convicted of anything. So Jack spent 24 hours in jail. Now we're e trial and me agreement stage. Jack was assigned a public defender the day he went to bond court. Initially the judge wanted \$30,000 for bond but at the public defender's request and after talking to the family whether they could afford the \$1,000 on a \$10,000 bond he reduced it to \$10,000. Jack was out on bond when he had a competency evaluation and was found unfit to stand trial. So you can see here this is a really good example of a judge taking into account what the family could do, seeing that Jack was probably a low risk for flight and reducing the bond so the family could manage it. The state attorney refused however to dismiss the charges, so the public defender sent Jack for a second evaluation regarding his sanity at the time of the event. Jack went to the same state-appointed psychologist who had seen him earlier for his competency evaluation. Jack was found not sane at the time of the incident. So we have two different things going on here. Is first where Jack was found incompetent to stand in trial. That is he's not able to aid in his own defense so therefore he can't stand trial. Ed he had to go through an entire evaluation process for that to happen. The state attorney, the prosecutor refused to dismiss the charges even after that happened so Jack remained in the criminal justice system, had to go back to see the same professional again for a second evaluation. This time to say that not only was he incompetent to stand trial but he was also insane at the time he committed an offense, which is a separate issue in the criminal justice system. So again, the judge obviously made some accommodations for Jack. When the state attorney refused to do so, he remained in the system even longer. Here is some additional information.

Jack's charges were eventually dismissed. His parents called NCCJD and had a great advocate. Together they put together a justice plan detailing the services Jack received. The plan was given to the public defender to present it to the court. The judge assured that Jack would receive appropriate services, dismissed the charges. Jack was arrested in mid March of 2014 and the case is finally dismissed in mid October. That's a lot of months and a lot of anxiety and a lot of resources for Jack and his family and the state chapter of the ARC. They were on this monthly hearing for everyone involved dealt with immense stress. So we have a quote down here from Jack said my heart is racing 290 because I was in the back of a squad car handcuffed. At the police station. I pretty much felt like a nervous wreck. Then when he was at the adult detention center, I felt sick to my stomach because I was around people I didn't know. Before court I felt scared and nervous. At court, I felt scared I was going to jail. Then on the last day of court, the judge calmly talked to me and explain what would happen the next time I got in trouble. When the case was finally dismissed, Jack said I was still edgy. I feel more calmly now that it's all over. So you can see pretty clearly that this had a huge impact on Jack even though eventually the case was dismissed. So while we would call this a successful outcome because there were accommodations made and eventually the charges were dismissed, you can see here as we walk you through it, it's not without, you know, Jack had to live with this experience for the rest of his life. And so for more on this story, you can see our blog on the ARC's website. And here's the web address. I also put a link to that in the chatbox. And also just as a quick aside I put a link to both our Facebook page and to our Webinar archive in the chatbox if you guys are interested. I'm going to pass it back over to Leigh Ann.

>> All right, thank you Kathryn. And thank you for taking us through Jack's case anywhere oh. I think that gives you a little better taste of sort of how the training would go when we're going to these different pilots over the next, throughout 2015. We're really looking at using case scenarios too as I said before that are going on within those specific communities. And a way to address, taking address issues throughout their community or throughout their state but using a case that most people are familiar with there. And then using that as a way

to really gain into around this topic. And as Kathryn was telling you earlier, there's just so many ways that something could go wrong. We are getting those calls and even though this has been going on for many years before the national center started, we are now able to document these cases and really show from our other chapters and from other attorneys out there, there are working cases like these. Just at what level some of the series injustices going on and really just wanting to provide some strong education around that to give people the tools they need in order to do this work successfully and so they don't feel alone in trying to take on these issues by themselves. So just to give you a taste of what we're doing in 2015, as I mentioned, we will be having our pilot training and we'll start in Maryland and we've got one in South Carolina, New Jersey, Colorado and Washington. And we've been working with each one of those chapters to prepare for their training, working to develop their disability response team so that when they get there, there will already be a strong network in place to provide this training and then a strong network to continuing the training once the initial training day is over. So we are working on that. And then another exciting thing to add to the website is we are focusing as getting as many names and as much legislation as we can to put into a database on our website. We get calls from people asking for help on different cases, people needing expert witnesses to help explain to the court and what intellectual developmental disability is. Autism, how does that affect my client, how does that affect someone who has that. There's a need for that out there and there really is no way to find that and we would like to collect that information and make that available to our target audiences and others needing that. And we want to find out what's going on this issue with regard to legislation. And really start keeping a list of that so we can easily pinpoint what's going on and where and look at model legislation that other states can then take and use for their own purposes as well. We've got some conferences coming up. The ARC of California, covet policy conferences. It will be presenting with NCCJD and give a presentation there with screening and prisons and just really getting, helping the correctional officers understand more about what intellectual disability is and how they will provide accommodations within that setting. And then in Maryland we have a disability law symposium we will

be speaking at as well. So we've got those to schedule as well as our pilot. And then we have three final Webinars. We originally were looking at continuing the Webinars throughout 2015. But because we have been able to get such a great response and large number of the Webinars in our first year, we decided to turn our focus on developing these three white papers. What's exciting about this is we're going to be launching the white paper and disseminating those on the same day we will be holding the Webinars on the same topic. That way we're hoping to draw a larger audience on this. Our first one will be on violence, abuse and bullying. And that will happen in April on April 30th. And then we'll also have one on sex on offenders with intellectual developmental disabilities and one on juvenile justice issues. These are some themes we've been seeing, whether it's from our national advisory committee input from them, input we're getting because of this TA request we're getting. These are some things that have been coming up over and over within the services that we've been providing throughout since we have the national center. We really want to hone in on those and make sure we are addressing each one of these issues at every angle. So if you have any input on any of those, we're still taking suggestions around what are some core topics within each of these issues that the center needs to be address. We would like to hear from you, so feel free to give us a shot through our e-mail and let us know if there's anything specific you would like to hear within each one of these three white papers and Webinars. So that wraps it up for our upcoming goals. And now we'd like to just open it up for any questions that any of you might have. We'd like to provide any answers on that. And this can be anything related to this particular presentation that we just gave or anything within pass presentations as well on other topics. So let's see if anyone has any questions for us.

>> Leigh Ann we got a question from Amy and she's curious about the ICT policy you were talking about. And she's wanting to know if that policy will be available to local agencies.

>> That's a great question. So we are working with ISCP and they have their own time line on when things will be finalized and completed. And then our last, with our last communication with them, they had actually just had that, their committee had just met to approve that. So they

don't have it in final form yet. But yes, once it is finalized, we are going to use it within our own training and make sure that the officers there within the training have copies of that. But it will be available on ISCP's web side, they'll list it there. They want it to be wisely used. So yes, it will be available. If you need more specific information on that, I can talk to you directly and let you know exact here when that date will be. Because we're still waiting on that as well. Our materials are currently still under review, our training materials with BJA, our funder. Once we get a couple pilots under our belt, we'll definitely have more information able to give out and on our website at that time.

>> We're excited, too, Amy, because Leigh Ann just let me know she's with the chapter of the ARC and they're already working with their state's attorney office and local police department. So you'll find it very interesting. Here's another question. What is an example of a successful information referral or TA question fielded. So Leigh Ann, I'm going to take that one. Real fast, anyone listening you can put questions in the chatbox or Q&A box and you can also e-mail us if you have questions that we don't get to. So that is successful INR or TA. NCCJD was involved with a case in Virginia with a young black man whose first interaction with law enforcement came when he was outside of the public library waiting for it to open. And what police didn't realize is that Mr. Watson had autism. So when they got a call about a suspicious person all they saw was a young teenager hanging out and they went over to question him. Eventually nearly reacted very poorly and ended up injuring an officer in the confrontation and the prosecutor in that area did decide to press charges. They took a plea deal and ended up in a group home setting, and then through an extended pattern continued to clearly disability-related involvement with law enforcement that was not good. And it's just, it was a very tough fact pattern for us to see because there really was no underlying crime, it was just continually him not having the skills necessary to interact in a way that law enforcement were expecting. And law enforcement not having the skills to recognize it was in fact disability-related and not in the least malicious. So throughout that he ended up in solitary confinement in a Virginia jail and was sitting there for I think a little over a year in a cell with

part of the time in a crises cell where people go with mental health issues. Which means grate in the floor, just a mattress, no Tv, windows or books, nothing all for about an hour a day. He was stuck in that situation for quite sometime and we started working with historians and with the ARC of Virginia who did some fantastic advocacy on his behalf and ended up writing several letters, getting some great press coverage on the issue. And eventually got the Virginia governor to grant California conditional pardon and now he is headed for a forensic facility, a locked facility in Florida but one who has services for people with disabilities and the hope is that he will be able to get what he needs and make a recovery and get back out in the community. We have one more question here. What are some future funding opportunities we're looking at?

>> I can take that one. We definitely are really working hard on this one. It's exciting to, it's basically seed money when you start up a national center at the level that we're wanting to take this. We've only got a few more months, it feels like a few more days but it's quite a bit longer than that, to look at how to continue doing the work through the national center. So we are looking at every angle, we're looking at our current funder, in there is ways to continue doing work through their support as well as different foundations, such as public welfare foundation. Some of foundations that really have been more focused on criminal justice and not as much disability. And looking at different ways we can explain to them what a great issue this is to look at in terms of alternative sentencing, looking at juvenile justice issues. And I think we still haven't fully clearly explored, you know, going to foundations that are focused on those kinds of topics. And really letting them understand the issues around disability. And once they do, there does seem to be interest there around working together and figuring out ways to reduce incarceration rates, you know, making sure that people in the best place for them. And looking at how disability really does affect our overall prison population, people who are more susceptible or more at risk to becoming involved that criminal justice system. So we're looking at every possible angle and on that note, that's why we just really appreciate you being on the Webinar today and all the support that you've given this national center, whether it's through our national

advisory committee serving on that or add a chapter. Our focus is we'll be here for a long time and we'll be able to continue to provide these services and work with you and just continue to really give this issue the attention it needs and deserves. So I think that was our last question. Kathryn, do we have any other once.

>> We've got one more. This question says I do competency training in the jail and the community as an alternative to the defendant waiting six to 12 months in jail awaiting and opening at the state development center competency training program. It is highly successful. Are you aware of other programs like this. James, I think our answer is not specifically. And we would love to hear more from you about what you're doing. One of the interesting things from our perspective is about this whole world of competency restoration because it's very different for somebody with say a mental illness who may take medication, get the training and then become competent and we are not sure that that's all the case for people with intellectual disability in particular. So we would love to hear more about the work you're doing and the success you're having, so please follow up with us.

>> And in fact, those are exactly the kind of program that we would like to put on our website. When we do find resources, we want to get the information out as much as we can about where these different kinds of resources exist. And so please let us know how we can put that, how you would like that worded. We'll maybe get the information from you directly, but we want to be able to provide that to people that come to our website looking just for that kind of information.

>> All right. And I think that was our final question, unless anybody has anything else. All right. Well you can see up on the screen here that our next Webinar, we were talking about it earlier, will be on April 30th, and you can look for it a little closer to time. And you can sign up to receive e-mail alerts from NCCJD. Please use our information referral and technical assistance service and refer others that may need that kind of help and share your story and raise awareness by contacting us at NCCJD info @thearc.org. Please take a minute to fill that out and let us know what you got and we look forward to hearing from you soon, thanks.

>> Thanks everyone.